IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 5584 of 2004

Between:

Smt. Jonnadula Tulasiram, W/o. Musalaiah, owner of Sri Venkateshwara Saw Mill,
R/o. Near Mandal Parishad Office, Battiprolu [Village & Mandal
Guntur District.

..... PETITIONER

AND

The Forest Department rep., by its Divisional; Forest Officer, Guntur, Guntur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction under Article 226 of the Constitution of India, particularly one in the nature of Writ of Mandamus, declaring the order of the respondent issued in RC.No.2495/2003/S2/ dated 15.3.2004 as unfair, unjust and illegal and direct the respondent to renew the licence of Sri Venkateshwara Saw Mill, Battiprolu [Village/Mandal], Guntur District, A.P. for the years 2003 and 2004 of the petitioner herein after calling for the records and to pass such other orders that this Hon'ble Court may deem fit just to pass.

Counsel for the Petitioner:MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondent No.: GP FOR FORESTS

The Court made the following ORDER:

Heard both sides and at their request, main writ petition is taken up for disposal.

The petitioner, who has been running a Sawmill under a valid licence, filed this writ petition *inter alia* seeking writ of mandamus challenging the impugned order dated 15.03.2004, rejecting the application of the petitioner seeking renewal of the lincence on the ground that the application has not been filed within time as required under law. The case of the petitioner is that her licence expired by 2003. She has deposited the necessary fee and also additional fee with penalty as long back as 30.12.2002. However, she could not file any application before the time limit for renewal. Later, she has filed a detailed representation on 08.03.2004 bringing out all the circumstances as to why she could not file a regular application within the cutout date. On the said representation, the Forest Range Officer has sent a report on 10.03.2004, reiterating the reasons shown by the petitioner and recommended for grant of renewal of licence. In spite of the same, the respondent has rejected the said application. Hence, the present writ petition.

The learned Government Pleader appearing on behalf of the respondent stated that admittedly no application has been filed by the petitioner before the prescribed date though she paid all the requisite fees. So, the petitioner cannot seek any indulgence of this Court and the writ petition may be dismissed.

Having considered the material available on record and arguments of both sides, it is evident that she has been running a Sawmill under a valid licence, which expired by the end of 2003. Subsequently, she has paid the necessary fee including late fee, but no application has been filed under the Rule 6(2) of the A.P. Saw Mill (Regulation) Rules 1965, for renewal of the licence. As no such application was filed, the licence automatically lapses. It is a fit case where the petitioner shall be permitted to file afresh the application form for the purpose of renewal of licence

instead of taking the said representation into consideration. The fact is that she is running the sawmill without any complaint.

Under the above circumstances, the writ petition is disposed of directing the petitioner to file a fresh application for renewal of licence in the regular format within a period of two weeks from today, before the respondent after complying with all the formalities required. The respondent is directed to consider the said application within four weeks from the date of such application by the petitioner and pass appropriate orders in accordance with law. No costs.

26.07.2004

Note: Furnish CC in 3 days

B/o

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To

1) The Forest Department rep., by its Divisional; Forest Officer,
Guntur, Guntur District.

2) Two CCs to G.P. for Forests

3) Two CD Copies